
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

VICTOR TACHTAUL,

Plaintiff,

versus

DR. JULYE, *et al.*,

Defendants.

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CIVIL ACTION H-04-4489

Opinion on Dismissal

Victor Tachtaul has not responded to defendants' motion for summary judgment, although ordered to do so in the service of process order. In that order, Tachtaul was told that if he does not timely comply, this case would be dismissed. Because the defendants' summary judgment motion is persuasive, the case will be dismissed. It will also be dismissed for want of prosecution and failure to obey a court order. *See* FED.R.CIV.P. 41(b); *Martinez v. Johnson*, 104 F.3d 769 (5th Cir. 1997) (affirming a dismissal for want of prosecution based on a prisoner's failure to respond to a summary judgment motion where the court ordered him to respond). All pending motions are denied as moot.

Signed July 20, 2005, at Houston, Texas.


Lynn N. Hughes
United States District Judge

USDJ